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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,042	10/07/2003	James Talaric	17-01A	2694
23713	7590	03/09/2006	EXAMINER	
GREENLEE WINNER AND SULLIVAN P C			MILLS, DANIEL J	
4875 PEARL EAST CIRCLE			ART UNIT	
SUITE 200			PAPER NUMBER	
BOULDER, CO 80301			3679	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/681,042

Applicant(s)

TALARIC ET AL.

Examiner

Daniel J. Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 4-8, 17-20 and 29-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-16 and 21-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restriction***

Claims 4-8, 17-20, and 29-34 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b), election was made with traverse.

### ***Drawings***

Drawing objections are withdrawn in view of the amendment dated 12/12/2005. The drawings were received on 12/12/2005. These drawings are accepted.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 9-14, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders (US 235,300) in view of Rice (US 2,108,927).

Regarding claim 1, Sanders discloses a joint structure for joining limb members of a mannequin comprising a ball portion (e) formed at the-joining end of a first limb member (a), the ball portion having a slit (A) formed therein, a socket portion (d) formed at the joining end of a second limb member (b), the ball portion being at least partially inserted into the socket portion, the socket portion being sized and shaped to fit the ball portion inserted therein and the interior surface of the socket portion having a tab (B)

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attached thereto said tab being adapted to be received by the slit and pivotally attached to said first limb member. Sanders fails to disclose a friction-producing assembly fixture recessed within the first limb member and in contact with said tab.

Rice teaches the use of a friction-producing assembly fixture recessed within the first limb member and in contact with said tab (see Figure 7) for the purpose of assisting in the retention of the adjustment of the leg sections. Accordingly, it would have been obvious to one skilled in the art at the time of applicant's invention, to modify the arrangement of Sanders to include a friction-producing assembly fixture recessed within the first limb member and in contact with said tab as taught by Rice, for the purpose of assisting in the retention of the adjustment of the leg sections.

Regarding claim 2, Sanders in view of Rice results in a joint structure wherein the tab is fixedly attached to the second limb member.

Regarding claim 3, Sanders in view of Rice results in a joint structure wherein the tab is molded as one unit with the second limb member.

Regarding claim 9, Sanders in view of Rice results in a joint structure wherein the friction-producing assembly fixture recessed in the first member to be joined comprises an open-ended chamber extending into the first member from said slit, a reversibly-compressible material positioned at the closed end of said chamber, and a bearing positioned between the reversibly-compressible material and the tab.

Regarding claim 10, Sanders in view of Rice results in a joint structure wherein the reversibly-compressible material is a spring.

Regarding claim 11, Sanders in view of Rice results in a joint structure wherein the tab is attached to the first limb member by means of a pivot pin extending through said tab and at least partly through said first limb member.

Regarding claim 12, Sanders in view of Rice results in a joint structure which forms a joint selected from the group consisting of a neck, a shoulder, an elbow, a hip, a knee, and an ankle (a knee joint is clearly shown).

Regarding claim 13, Rice teaches the use of a joint of this type in a mannequin for the purpose of allowing the mannequin to be positioned. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicants' invention, to use this joint in a mannequin as taught by Rice for the purpose of allowing the mannequin to be positioned.

Regarding claim 14, Sanders discloses a joint structure for joining limb members of a mannequin comprising a ball portion formed at the joining end of a first limb member the ball portion having a slit formed therein a socket portion formed at the joining end of a second limb member, the ball portion being at least partially inserted into the socket portion, the socket portion being sized and shaped to fit the ball portion inserted therein and the interior surface of the socket portion having a tab attached thereto said tab being adapted to be received by the slit and pivotally attached to said first limb member by means of a pivot pin extending through said tab and at least partly through said first limb member.

Sanders fails to disclose a friction-producing assembly fixture recessed within the first limb member, said friction-producing assembly fixture comprising an open-ended

chamber extending into the first member from said slit; a spring positioned at the closed end of said chamber, and a bearing positioned between the spring and the tab.

Rice teaches the use of a friction-producing assembly fixture recessed within the first limb member and in contact with said tab (see Figure 7) said friction-producing assembly fixture comprising an open-ended chamber extending into the first member from said slit; a spring positioned at the closed end of said chamber, and a bearing positioned between the spring and the tab for the purpose of assisting in the retention of the adjustment of the leg sections. Accordingly, it would have been obvious to one skilled in the art at the time of applicant's invention, to modify the arrangement of Sanders to include a friction-producing assembly fixture recessed within the first limb member and in contact with said tab as taught by Rice, for the purpose of assisting in the retention of the adjustment of the leg sections.

Regarding claim 22, Sanders in view of Rice results in a joint structure for joining limb members of a mannequin wherein the friction-producing assembly fixture recessed in the first member to be joined comprises an open-ended chamber extending into the first member from said slit, a reversibly-compressible material positioned at the closed end of said chamber and a bearing positioned between the reversibly-compressible material and the tab.

Regarding claim 23, Sanders in view of Rice results a joint structure for joining limb members of a mannequin wherein the reversibly-compressible material is a spring.

Regarding claim 24, Sanders in view of Rice results a joint structure for joining limb members of a mannequin wherein the tab is attached to the first limb member by

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means of a pivot pin extending through said tab and at least partly through said first limb member.

Regarding claim 25, Rice teaches the use of a joint of this type in a mannequin for the purpose of allowing the mannequin to be positioned. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicants' invention, to use this joint in a mannequin as taught by Rice for the purpose of allowing the mannequin to be positioned.

Regarding claim 26, Sanders in view of Rice results a joint structure for joining limb members of a mannequin wherein said joint structure forms a joint selected from the group consisting of a neck, a shoulder, an elbow, a hip, a knee, and an ankle (a knee joint is clearly shown).

Claims 15, 16, 21, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanders (US 235,300) in view of Rice (US 2,108,927) and Harris (US 3,383,962).

Regarding claim 15, Sanders discloses a joint structure for joining limb members of a mannequin comprising a ball portion (e) formed at the-joining end of a first limb member (a), the ball portion having a slit (A) formed therein, a socket portion (d) formed at the joining end of a second limb member (b), the ball portion being at least partially inserted into the socket portion, the socket portion being sized and shaped to fit the ball portion inserted therein and the interior surface of the socket portion having a tab (B) attached thereto said tab being adapted to be received by the slit and pivotally attached

to said first limb member. Sanders fails to disclose a friction-producing assembly fixture recessed within the first limb member and in contact with said tab.

Rice teaches the use of a friction-producing assembly fixture recessed within the first limb member and in contact with said tab (see Figure 7) for the purpose of assisting in the retention of the adjustment of the leg sections. Accordingly, it would have been obvious to one skilled in the art at the time of applicant's invention, to modify the arrangement of Sanders to include a friction-producing assembly fixture recessed within the first limb member and in contact with said tab as taught by Rice, for the purpose of assisting in the retention of the adjustment of the leg sections.

Sanders fails to disclose a tab having one or more surface depressions.

Harris teaches the use of a tab (18) having one or more surface depressions (24), for the purpose of allowing detent engagement to retain a selected positions of the limb members (11 and 17). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the arrangement of Rice to include surface depressions in the tab as taught by Harris for the purpose of retaining selected positions of the limb members.

Regarding claim 16, Sanders in view of Rice and Harris results in a joint structure wherein the tab is molded as one unit with the second limb member.

Regarding claim 21, Sanders in view of Rice and Harris results in a joint structure wherein the surface depressions are grooves.

Regarding claim 27, Rice in view of Harris discloses a joint structure for joining limb members of a mannequin comprising a ball portion formed at the joining end of a



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first limb member, the ball portion having a slit formed therein a socket portion formed at the joining end of a second limb member, the ball portion being at least partially inserted into the socket portion the socket portion being sized and shaped to fit the ball portion inserted therein and the interior surface of the socket portion having a tab attached thereto said tab being adapted to be received by the slit and pivotally attached to said first limb member by means of a pivot pin extending through said tab and at least partly through said first limb member, said tab having one or more surface depressions, a friction-producing assembly fixture recessed within the first limb member, said friction-producing assembly fixture comprising: an open-ended chamber extending into the first member from said slit; a spring positioned at the closed end of said chamber, and a bearing positioned between the spring and the tab.

Regarding claim 28, Sanders in view of Rice and Harris results in a joint structure wherein the surface depressions are grooves .

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment (claim 1 lines 3-9; claim 14 lines 3-9; claim 15 lines 3-9; claim 27 lines 3-9) necessitated the new ground(s) of rejection presented in this Office

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action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DJM  
2/24/2006



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